

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NORFOLK SOUTHERN RAILWAY COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-1808
)	
CITY OF PITTSBURGH,)	Judge Conti
)	Magistrate Judge Hay
Defendant.)	

CITY OF PITTSBURGH,)
)
Third-Party Plaintiff,)
)
v.)
)
CHARLES L. DESMONE & ASSOCIATES)
tdba DESMONE & ASSOCIATES)
ARCHITECTS,)
)
Third-Party Defendants.)

CHARLES L. DESMONE & ASSOCIATES)
tdba DESMONE & ASSOCIATES)
ARCHITECTS,)
)
Fourth-Party Plaintiff,)
)
v.)
)
MAZZA ENGINEERING ASSOCIATES,)
Inc.,)
Fourth-Party Defendant.)

ORDER

AND NOW, this 5th day of December, 2005, after the plaintiff, Norfolk Southern Railway Company, filed an action in the above-captioned case, and after a Motion for Relief Pursuant to Fed.R.Civ.P. 60(b) was filed by defendant, City of Pittsburgh, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by defendant, and the response to those objections filed by plaintiff, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that defendant's Motion for Relief Pursuant to Fed.R.Civ.P. 60(b) [Docket No.77] is DENIED.

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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